

1 Aaron Cross
2 Reg. No. 17053-014
2 FCI Schulykill
Post Office Box 759
3 Minersville, PA 17954
4 Plaintiff Appearing Pro Se
5

FILED
SCRANTON

AUG 30 2010

PER JCH
DEPUTY CLERK

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
8

9 AARON CROSS, }
10 Plaintiff, }
11 vs. }
12 C. McKINNEY; CLAUDIA ROBERTS; }
13 PATRICK BARNES; MARYSE WAMBASH; }
14 KENTON HUBLE; JOE RUSH; DAVID }
15 STEFFAN; and other persons not }
16 yet named, all in their }
17 individual capacities, }
18 Defendants. }

Case No. 10-cv-1822

CIVIL RIGHTS COMPLAINT
[JURY TRIAL DEMAND]

18 Comes Now, Plaintiff, Aaron Cross, appearing pro se, initiating
19 the instant action, and alleges as follows:

20 JURISDICTION

21 This Court has jurisdiction over the instant suit pursuant
22 to 28 U.S.C. § 1331.

23 VENUE

24 Venue is proper since a "substantial part of the events or
25 omissions giving rise to the claim occurred" within this judicial
26 district. 28 U.S.C. § 1391(a)(2).

EXHAUSTION OF REMEDIES

Plaintiff has exhausted all available administrative remedies in conformity with 42 U.S.C. § 1997e and relevant federal regulations.

PARTIES

Plaintiff Aaron Cross is a federal inmate serving an imprisonment term of 60 months for his conviction of a drug offense in the United States District Court, District of Connecticut, Case Number 07-CR-120(SRU); at all times material to this suit, Plaintiff was an inmate at Federal Correctional Institution Schuylkill, Pennsylvania ("FCI Schuylkill").

Defendant C. McKinney was Health Services Administrator at FCI Schuylkill at times material to this suit.

Defendant Claudia Roberts was a registered nurse at FCI Schuylkill at times material to this suit.

Defendant Patrick Barnes was an emergency medical technician at FCI Schuylkill at times material to this suit.

Defendant Maryse Wambach was a registered nurse at FCI Schuylkill at times material to this suit.

Defendant Kenton Hubble was a physician assistant at FCI Schuylkill at times material to this suit.

Defendant Joe Rush was a physician assistant at FCI Schuylkill at times material to this suit.

Defendant David Steffan was a physician assistant at FCI Schuylkill at times material to this suit.

The aforementioned defendants, though employed with the Federal Bureau of Prisons, are being sued in their individual capacities.

CAUSE OF ACTION
DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED

3 Plaintiff claims that defendants violated his right to be
4 free from cruel and unusual punishment by the following:

5 1. At all times material to this suit, Plaintiff suffered
6 from a serious medical condition of "Keloids," which cause him
7 severe itchiness, sharp pains, changes in his skin texture, and
8 affects movements. The areas effected by the condition are
9 Plaintiff's face, head, chest.

10 2. On June 25, 2009, Plaintiff submitted an "Inmate Request
11 to Staff" claiming that his "keloids hurt very bad on my face—both
12 sides[—] and also two on my head." Exhibit A. Defendant Hubble
13 responded to the request by suggesting that Plaintiff "come to
14 sick call." Id. However, when Plaintiff attended sick call, he
15 was given no treatment whatsoever.

16 3. From June of 2009 to September of 2009, Plaintiff was
17 assigned to an institutional work detail at Health Services.
18 During said time, Plaintiff routinely expressed his need for med-
19 cal attention. However, each of the charged defendants refused
20 to treat him. Plaintiff's persistence, moreover, created an
21 atmosphere of animosity that ultimately resulted in his transfer
22 to another detail at Food Services.

23 4. On October 6, 2009, Plaintiff submitted another written
24 request for treatment of his "very painful" condition. Exhibit B.
25 Defendant Wambach responded to the request by suggesting that
26 Plaintiff attend sick call. *Id.* However, when Plaintiff did so,
27 he was given no treatment whatsoever.

1 5. On October 15, 2009, Plaintiff attended sick call again
2 complaining of pain caused by his condition, and was seen by
3 Defendant Rush who, knowing Plaintiff's condition and resulting
4 pain, concluded: "No indications or medical necessity to pre-
5 scribe any medication today." Exhibit C.

6 6. On December 7, 2009, Plaintiff attended sick call again
7 complaining of pain caused by his condition, and was seen by
8 Defendant Roberts who, knowing Plaintiff's condition and result-
9 ing pain, merely recommended that Plaintiff purchase over-the-
10 counter medications, despite being told by Plaintiff that none
11 of the available ones brought him relief. Exhibit D.

12 7. On December 8, 2009, Plaintiff spoke to Defendant
13 Wambach who informed him that he would soon be seen by a
14 physician for his condition—however, Plaintiff was never seen
15 by one.

16 8. On December 31, 2009, having not been seen by a physician,
17 Plaintiff again spoke with Defendant Wambach who refused to treat
18 him for his pain. Defendant Wambach also claimed that Plaintiff
19 was scheduled to see the doctor. Exhibit E. However, Plaintiff
20 was never seen by one.

21 9. On January 14, 2010, Plaintiff was prescribed Ibuprofen
22 800 mg, but soon discovered that they did nothing to ease his
23 pain and itching.

24 10. On January 14, 2010, Plaintiff spoke to Defendant
25 Barnes concerning his on-going pain; Defendant Barnes refused
26 to provide Plaintiff treatment, instead suggesting that Plaintiff
27 speak to Defendant Wambach.

1 11. On January 19, 2010, Plaintiff arrived at Health Services
2 within the allotted time to sign up for sick call, however,
3 Defendant Steffan refused to accept Plaintiff's sick call slip.
4 When Plaintiff urged Defendant Steffan to accept the slip because
5 of the pain and itching caused by his Keloids, Defendant Steffan
6 said "I don't care; you must leave now."

7 12. On January 22, 2010, Plaintiff arrived at sick call
8 sign ups and was again seen by Defendant Steffan. Plaintiff
9 told Defendant Steffan of the pain and irritation he was
10 feeling. Defendant Steffan refused to provide Plaintiff any
11 treatment.

12 13. On January 29, 2010, Plaintiff arrived at sick call
13 sign ups and was again seen by Defendant Steffan who said:
14 "What are you doing here again?" Plaintiff was then told by
15 Defendant Wambach that he would be seen by the doctor during the
16 first or second week of February, 2010. Neither Defendant
17 Steffan, nor Defendant Wambach provided Plaintiff with any treat-
18 ment whatsoever for his pain.

19 14. On February 19, 2010, having not been seen by the
20 physician as promised by Defendant Wambach, Plaintiff attended
21 sick call complaining of pain and irritation of his condition.
22 In addition, the Keloids on his head were producing puss.
23 Plaintiff was seen by Defendant Wambach who provided Plaintiff
24 with no treatment whatsoever.

25 15. On April 5, 2010, Plaintiff spoke with Defendant
26 McKinney about the pain, irritation, and lack of medical treat-
27 ment he was experiencing. Defendant McKinney refused to provide

1 Plaintiff any treatment whatsoever.

2 16. On June 8, 2010, during an appointment set as part of
3 a sick-call sign up, Plaintiff was seen by Defendant Wambach
4 who told him to stop coming to sick call, save his money by not
5 having to pay anymore two-dollar co-payments, so he could, in
6 Defendant Wambach's words, "save your money for a good surgeon
7 when you get out." Defendant Wambach refused to provide
8 Plaintiff any treatment whatsoever for the pain and irritation
9 caused by his condition.

10 17. Under the "care" of said defendants, Plaintiff's con-
11 dition worsened drastically. That is, by not treating Plaintiff's
12 condition, the Keloids have increased exponentially in size

13 18. Because of defendants' deliberate indifference to his
14 serious medical need, Plaintiff has suffered pain and irritation
15 in violation of the Eighth Amendment of the U.S. Constitution.

RELIEF

18 For these injuries which remain unabated, Plaintiff demands
19 a trial by jury.

20 Plaintiff seeks damages from each defendant in the amount of
21 \$50,000 compensatory damages and \$25,000 punitive damages.

22 Plaintiff also seeks equitable relief as deemed fair and
23 just.

24 / / /

25 | / / /

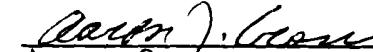
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1 **VERIFICATION**

2 I, Aaron Cross, knowing the penalty of perjury, do hereby
3 swear that the foregoing is true and correct to the best of
4 my knowledge.

5 SWORN to on this 23rd day of August, 2010, at Schuylkill
6 County, Pennsylvania.

7 

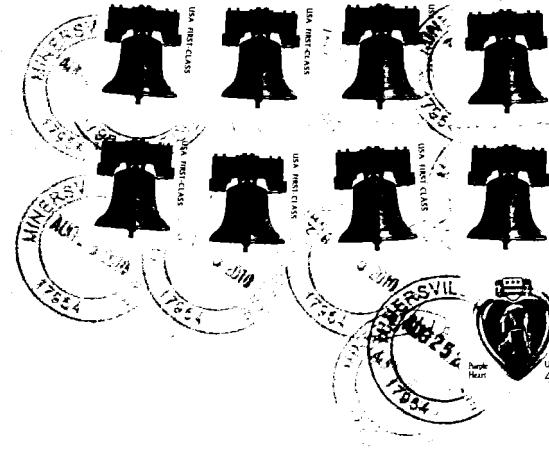
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